

Senate File 391 - Introduced

SENATE FILE 391

BY WHITING

A BILL FOR

1 An Act providing for decennial review of administrative
2 rules by the general assembly and related procedures, and
3 including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **17A.24 Decennial review of rules by**
2 **general assembly — procedures.**

3 1. Each agency, in consultation with the administrative
4 rules coordinator, shall submit a report to the general
5 assembly no later than January 1 each year commencing in 2020
6 designating no less than ten percent of rules adopted by the
7 agency and in effect as of January 1 of that year for review by
8 the general assembly. The agency shall make such designations
9 by specific citation to rules in the Iowa administrative code.
10 The agency shall not designate a rule that has been subject to
11 review pursuant to this section in the previous nine years.
12 The general assembly shall publish such reports on the general
13 assembly's internet site.

14 2. The president of the senate and the speaker of the house
15 of representatives shall refer reports submitted pursuant to
16 subsection 1 to the appropriate standing committees of the
17 general assembly for review. A standing committee may sponsor
18 a joint resolution pursuant to Article III, section 40 of the
19 Iowa Constitution to nullify one or more rules designated in a
20 report pursuant to subsection 1 reviewed by the committee.

21 3. If the general assembly nullifies a rule designated in
22 a report pursuant to subsection 1 in the year in which it was
23 designated or in a subsequent year to which review is deferred
24 pursuant to subsection 4, the agency that adopted the rule
25 shall not adopt a rule in the same or a substantially similar
26 form unless the rule is specifically authorized by law.

27 4. The general assembly may by joint resolution defer
28 review of a rule designated in a report pursuant to subsection
29 1 until the next regular session of the general assembly.
30 Such a resolution may include more than one designated rule
31 and designated rules from more than one agency. The general
32 assembly may defer review of a designated rule multiple times.

33 5. The legislative services agency shall provide agencies
34 with information regarding the Iowa administrative code as
35 necessary to facilitate the drafting of reports pursuant to

1 subsection 1.

2 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
3 importance, takes effect upon enactment.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill directs each executive branch agency, in
8 consultation with the administrative rules coordinator, to
9 submit a report to the general assembly no later than January
10 1 each year commencing in 2020 designating no less than 10
11 percent of the rules adopted by the agency and in effect as
12 of January 1 of that year for review by the general assembly.
13 Designated rules shall not include rules that have been subject
14 to review pursuant to the bill in the previous nine years. The
15 general assembly shall publish such reports on the general
16 assembly's internet site.

17 The bill directs the president of the senate and the speaker
18 of the house of representatives to refer reports submitted
19 pursuant to the bill to the appropriate standing committees
20 of the general assembly for review. The bill authorizes a
21 standing committee to sponsor a joint resolution pursuant to
22 Article III, section 40 of the Iowa Constitution to nullify one
23 or more rules designated in a report reviewed by the committee.

24 The bill prohibits an agency from adopting a rule that is in
25 the same or a substantially similar form as a designated rule
26 that is nullified in the year in which it was designated or in a
27 subsequent year to which review is deferred unless the rule is
28 specifically authorized by law.

29 The bill authorizes the general assembly to defer review of
30 a designated rule until the next regular session of the general
31 assembly by joint resolution. Such a resolution may include
32 more than one designated rule and designated rules from more
33 than one agency. The general assembly may defer review of a
34 designated rule multiple times.

35 The bill directs the legislative services agency to provide

1 agencies with information regarding the Iowa administrative
2 code as necessary to facilitate the drafting of reports
3 pursuant to the bill.
4 The bill takes effect upon enactment.